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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/620,130

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EXAMINER

DAYE, CHELCIE L

ART UNIT

PAPER NUMBER

2161

MAIL DATE

DELIVERY MODE

11/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/620,130

Applicant(s)

DUFOURD ET AL.

Examiner

Chelcie Daye

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is issued in response to applicant's RCE filed September 12, 2007.
2. Claims 15-30 are presented. No claims added and claims 1-14 remain cancelled.
3. Claims 15-30 are pending.
4. Applicant's arguments filed September 12, 2007, have been fully considered but they are not persuasive.

### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 12, 2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
7. Claims 15 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 26 recites the limitation "the value" within the limitation of the claims. The examiner is unsure as to what "value" applicant is referring to, since there is no prior mention of such a value. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 15-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haskell (US Patent Application No. 20040054965).**

Regarding Claim 15, Haskell discloses a method for managing interactions between at least one peripheral command device and at least one multimedia application exploiting the standard MPEG-4 for displaying a scene comprising MPEG-4 objects, said peripheral command device delivering digital signals of user interactions as a function of actions of one or more users on said scene ([0033] and [0037], Haskell) comprising:

constructing a first digital sequence having the form of a BIFS node (Binary Form for Scenes in accordance with the standard MPEG-4) ([0048-0049], Haskell), said node comprising at least one field defining a type and number of

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interaction data to be applied to objects of said scene and said node specifying an association between said digital signals of user interactions and the scene objects (Fig.11; [0053] and [0063-0065], Haskell),

wherein the at least one field defines at least one action to be applied to the scene with a parameter field, the value of which corresponds to a parameter of said digital signals received from the peripheral command device ([0068-0070] and [0108], Haskell).

Haskell does not address a sequence as stated above explicitly.

However, one of ordinary skill in the art of MPEG is well aware that the Binary Format for Scenes (BIFS) is composed of operational elements such as nodes, which contains a bit stream of data processed sequentially known as elementary stream.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to incorporate the digital sequence of information into the BIFS node in order to provide the needed information within the binary format scene.

Regarding Claim 16, Haskell discloses the method further comprising transferring said first digital sequence into a composition memory using a decoding sequence of MPEG-4 systems to introduce the interaction data into a composition device for composing said scene ([0066] and [0108], Haskell).

Regarding Claim 17, Haskell discloses the method wherein transferring is performed under control of a flow comprising at least one flow descriptor, itself transporting information required for configuration of the decoding sequence with an appropriate decoder ([0064], Haskell).

Regarding Claim 18, Haskell discloses the method wherein the BIFS node comprises a number of variable fields dependent on the form of peripheral command device ([0108], Haskell), and transferring the interaction data of fields of the node to fields of objects of said scene is implemented by routes ([0068], Haskell).

Regarding Claim 19, Haskell discloses the method further comprising signaling activity of the device ([0037], Haskell).

Regarding Claim 20, Haskell discloses the method wherein said BIFS node comprises a flag whose status enables or prevents an interaction to be taken into account ([0038], Haskell).

Regarding Claim 21, Haskell discloses the method wherein signal delivery is performed in the form of a flow indicated by a descriptor, which contains information for configuring a decoding sequence with an appropriate decoder ([0046], Haskell).

Regarding Claim 22, Haskell discloses the method wherein constructing the interaction data sequence is performed in a decoding buffer memory of a multimedia application execution terminal ([0035] and [0038], Haskell).

Regarding Claim 23, Haskell discloses the method wherein translation of the interaction data sequence is performed in a decoder equipped with an interface with a composition device for composing said scene similar to an ordinary BIFS decoder for executing the BIFS- Commands decoded on the scene ([0033], Haskell).

Regarding Claim 24, Haskell discloses the method wherein flow of user interactions passes through a DMIF client associated with the device that generates access units to be placed in a decoding buffer memory linked to a corresponding decoder ([0035], Haskell).

Regarding Claim 25, Haskell discloses the method wherein flow of user interactions enters into a corresponding decoder, either directly, or via an associated decoding buffer memory, thereby shortening the path taken by the user interaction flow ([0053] and [0063], Haskell).

Claims 26-30 have the same subject matter as of claims 15-25 except calculator that executes a multimedia application and Haskell teaches such limitation at [0041] and essentially rejected for the same reasons as discussed above.

**ALTERNATE REJECTION:**

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 15-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalva (US Patent No. 7,149,770) filed January 29, 1999.**

Regarding Claim 15, Kalva discloses a method for managing interactions between at least one peripheral command device and at least one multimedia application exploiting the standard MPEG-4 for displaying a scene comprising MPEG-4 objects, said peripheral command device delivering digital signals of user interactions as a function of actions of one or more users on said scene comprising:



constructing a first digital sequence having the form of a BIFS node (Binary Form for Scenes in accordance with the standard MPEG-4) (column 4, lines 17-22 and column 5, lines 15-32, Kalva), said node comprising at least one field defining a type and number of interaction data to be applied to objects of said scene and said node specifying an association between said digital signals of user interactions and the scene objects (column 4, lines 45-50 and column 5, lines 33-52, Kalva),

wherein the at least one field defines at least one action to be applied to the scene with a parameter field, the value of which corresponds to a parameter of said digital signals received from the peripheral command device (columns 7-8, lines 67 and 1-15, respectively, Kalva).

Regarding Claim 16, Kalva discloses the method further comprising transferring said first digital sequence into a composition memory using a decoding sequence of MPEG-4 systems to introduce the interaction data into a composition device for composing said scene (column 4, lines 51-67, Kalva).

Regarding Claim 17, Kalva discloses the method wherein transferring is performed under control of a flow comprising at least one flow descriptor, itself transporting information required for configuration of the decoding sequence with an appropriate decoder (column 4, lines 31-37 and 51-67, Kalva).

Regarding Claim 18, Kalva discloses the method wherein the BIFS node comprises a number of variable fields dependent on the form of peripheral command device, and transferring the interaction data of fields of the node to fields of objects of said scene is implemented by routes (column 5, lines 46-52 and column 7, lines 41-51, Kalva).

Regarding Claim 19, Kalva discloses the method further comprising signaling activity of the device (column 8, lines 3-4, Kalva).

Regarding Claim 20, Kalva discloses the method wherein said BIFS node comprises a flag whose status enables or prevents an interaction to be taken into account (column 4, lines 45-50, Kalva).

Regarding Claim 21, Kalva discloses the method wherein signal delivery is performed in the form of a flow indicated by a descriptor, which contains information for configuring a decoding sequence with an appropriate decoder (column 4, lines 61-67 and column 6, lines 5-29, Kalva).

Regarding Claim 22, Kalva discloses the method wherein constructing the interaction data sequence is performed in a decoding buffer memory of a multimedia application execution terminal (Fig.2, Kalva).

Regarding Claim 23, Kalva discloses the method wherein translation of the interaction data sequence is performed in a decoder equipped with an interface with a composition device for composing said scene similar to an ordinary BIFS decoder for executing the BIFS- Commands decoded on the scene (column 4, lines 51-67 and columns 8-9, lines 60-67 and 1-2, respectively, Kalva).

Regarding Claim 24, Kalva discloses the method wherein flow of user interactions passes through a DMIF client associated with the device that generates access units to be placed in a decoding buffer memory linked to a corresponding decoder (column 4, lines 51-67, Kalva).

Regarding Claim 25, Kalva discloses the method wherein flow of user interactions enters into a corresponding decoder, either directly, or via an associated decoding buffer memory, thereby shortening the path taken by the user interaction flow (Fig.2, Kalva).

Claims 26-30 have the same subject matter as of claims 15-25 and essentially rejected for the same reasons as discussed above.

***Response to Arguments***

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

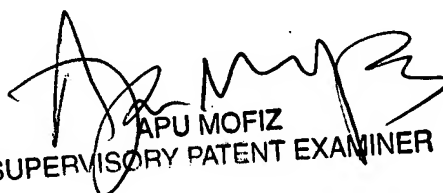
***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
Patent Examiner  
Technology Center 2100  
November 1, 2007

  
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SUPERVISORY PATENT EXAMINER